

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

**JOINT STIPULATION AND [PROPOSED] ORDER EXTENDING TIME TO FILE AND  
RESPOND TO FIFTH AMENDED COMPLAINT**

This Stipulation is entered into by and among the parties hereto, through their respective undersigned attorneys, with reference to the following facts:

WHEREAS, on August 13, 2009, this Court entered a stipulation and proposed order (Dkt. 68) allowing until November 11, 2009 for Plaintiff to retain new counsel in connection with the dismissed false claims counts and to file a Fifth Amended Complaint;

WHEREAS, on September 29, 2009, Plaintiff retained new counsel, Milberg LLP, in connection with the dismissed false claims counts and to file a Fifth Amended Complaint;

WHEREAS, on October 6, 2009, Plaintiff's new counsel filed a Motion to Substitute Counsel (Dkt. 72) to appear in the action and replace Plaintiff's former counsel, Hagens Berman Sobol Shapiro LLP and Jonathan Willens, Esq., as counsel of record for Plaintiff in connection with the dismissed false claims counts and to file a Fifth Amended Complaint, and further request that the Court withdraw his former counsel in this action;

WHEREAS, on October 13, 2009, this Court entered an order granting Plaintiff's Motion to Substitute Counsel;

WHEREAS, Plaintiff's new counsel require time to undertake a diligent review of the materials in this large and complex case in order to prepare and file a Fifth Amended Complaint;

WHEREAS, the parties have agreed that Plaintiff shall have an additional sixty (60) days from November 11, 2009 to file a Fifth Amended Complaint;

WHEREAS, the parties have further agreed that Pfizer shall have sixty (60) days from the date of service of any Fifth Amended Complaint to answer, move, or otherwise respond; and

WHEREAS, the parties have further agreed that Pfizer shall not be required to answer, at this time, to the remaining claims in the Fourth Amended Complaint;

IT IS HEREBY STIPULATED AND AGREED that:

1. Pfizer need not answer at this time the claims in the Fourth Amended Complaint;
2. Plaintiff shall have until January 11, 2010, to serve and file a Fifth Amended Complaint; and
3. Pfizer shall have sixty (60) days from the date of service of any Fifth Amended Complaint to answer, move, or otherwise respond to the Complaint.

DATED: October 22, 2009  
New York, New York

MILBERG LLP

By: /s/ *Kirk E. Chapman*  
Kirk E. Chapman

One Pennsylvania Plaza  
New York, New York 10119-0165  
Tel: 212.594.5300  
Fax: 212.868.1229

*Attorneys for Plaintiff-Relator Dr. Jesse Polansky*

BANTLE & LEVY LLP  
Lee F. Bantle  
817 Broadway  
New York, NY 10003  
Tel: (212) 228-9666

*Attorneys for Plaintiff-Relator Dr. Jesse Polansky*

DATED: October 22, 2009  
New York, New York

SKADDEN, ARPS, SLATE, MEAGHER & FLOM, LLP

By: /s/ *Mark S. Cheffo*  
Mark S. Cheffo

Four Times Square  
New York, New York 10036  
Tel: (212) 735-3000

*Attorneys for Defendant Pfizer, Inc.*

SO ORDERED:

---

UNITED STATES MAGISTRATE JUDGE

DATE: October 22, 2009

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA, ET AL., EX  
REL. DR. JESSE POLANSKY, )  
Plaintiff, )  
vs. )  
PFIZER, INC., )  
Defendant. )  
No. 04 CV 0704 (ERK) (ALC)  
ORIGINAL FILED BY ECF  
X

**CERTIFICATE OF SERVICE**

I, Rolando G. Marquez, hereby certify that on October 22, 2009, I electronically filed the following documents with the Clerk of the Court for the Eastern District of New York using the CM/ECF system:

**STIPULATION AND [PROPOSED] ORDER; and  
CERTIFICATE OF SERVICE**

which will send notification of such filing to the attorneys listed below:

Mark F. Cheffo, Esq.  
SKADDEN, ARPS, SLATE, MEAGHER &  
FLOM, LLP  
Four Times Square  
New York, New York 10036  
[mark.cheffo@skadden.com](mailto:mark.cheffo@skadden.com)  
Tel: (212) 735-3000  
Fax: (917) 777-2183

*Attorneys for Defendant Pfizer Inc.*

Erin E. Argo, Esq.  
Assistant United States Attorney  
United States Attorneys Office  
Eastern District of New York  
271 Cadman Plaza East  
Brooklyn, NY 11201  
[erin.argo@usdoj.gov](mailto:erin.argo@usdoj.gov)  
Tel: 718-254-6049  
Fax: 718-254-7489

*Attorneys for the United States*

Sanjay M. Bhambhani, Esq.  
United States Dept. of Justice  
Fraud Section, Civil Division  
601 D St., N.W. Rm. 9140  
Washington, D.C. 20004  
[Sanjay.Bhambhani@usdoj.gov](mailto:Sanjay.Bhambhani@usdoj.gov)  
Tel: (202) 307-0275  
Fax: (202) 616-6085

By: /s/ Rolando G. Marquez

Rolando G. Marquez  
**MILBERG LLP**  
One Pennsylvania Plaza  
New York, NY 10119-0165  
Tel: (212) 594-5300  
Fax: (212) 868-1229

*Attorneys for Plaintiff-Relator Dr. Jesse Polansky*